

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: In re Facebook, Inc. IPO Securities & Derivative Litigation Lidia Levy v. Mark Zuckerberg, et al.	District Court or Agency: U.S. District Court, S.D.N.Y.	Judge: Robert W. Sweet
	Date the Order or Judgment Appealed from was Entered on the Docket: 4/22/14	District Court Docket No.: 1:12-md-02389-RWS 1:12-cv-7815-RWS
	Date the Notice of Appeal was Filed: 4/28/14	Is this a Cross Appeal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff Defendant	Counsel's Name: Geoffrey M. Johnson	Address: 12434 Cedar Rd., Ste. 12 (216) 229-6088 (860) 537-4432	Telephone No.: Cleveland Heights, OH 44106	Fax No.: gjohnson@scott-scott.com	E-mail: gjohnson@scott-scott.com
	Scott+Scott, Attys at Law, LLP				

Attorney(s) for Appellee(s): Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: Andrew B. Clubok	Address: 601 Lexington Ave. (212) 446-4800	Telephone No.: (212) 446-4900	Fax No.: andrew.clubok@kirkland.com	E-mail: andrew.clubok@kirkland.com
	Kirkland & Ellis New York, NY 10022				

Has Transcript Been Prepared? n/a	Approx. Number of Transcript Pages: n/a	Number of Exhibits Appended to Transcript: n/a	Has this matter been before this Circuit previously? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, provide the following: Case Name: 2d Cir. Docket No.:	Reporter Citation: (i.e., F.3d or Fed. App.)
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ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

1. Federal Jurisdiction		2. Appellate Jurisdiction	
U.S. a party	Diversity	<input checked="" type="checkbox"/> Final Decision	Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b))
Federal question (U.S. not a party)	<input checked="" type="checkbox"/> Other (specify): <u>basis for jurisdiction not ruled on</u>	Interlocutory Decision Appealable As of Right	Other (specify): _____

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

1. <u>Stage of Proceedings</u>	2. <u>Type of Judgment/Order Appealed</u>	3. <u>Relief</u>
<input checked="" type="checkbox"/> Pre-trial During trial After trial	Default judgment Dismissal/FRCP 12(b)(1) lack of subj. matter juris. <input checked="" type="checkbox"/> Dismissal/FRCP 12(b)(6) failure to state a claim Dismissal/28 U.S.C. § 1915(e)(2) frivolous complaint Dismissal/28 U.S.C. § 1915(e)(2) other dismissal	Dismissal/other jurisdiction Dismissal/merit Judgment / Decision of the Court Summary judgment Declaratory judgment Jury verdict Judgment NOV Directed verdict Other (specify):
		<input checked="" type="checkbox"/> Damages: _____ Sought: \$ _____ Granted: \$ _____ Denied: \$ _____ Injunctions: Preliminary Permanent Denied

PART C: NATURE OF SUIT (Check as many as apply)

1. <u>Federal Statutes</u>	2. <u>Torts</u>	3. <u>Contracts</u>	4. <u>Prisoner Petitions</u>
Antitrust Bankruptcy Banks/Banking Civil Rights Commerce, Energy Commodities Other (specify): _____	Admiralty/ Maritime Assault / Defamation FELA Products Liability Other (Specify):	Admiralty/ Maritime Arbitration Commercial Employment Insurance Negotiable instruments Other Specify	Civil Rights Habeas Corpus Mandamus Parole Vacate Sentence Other
Communications Consumer Protection Copyright □ Patent Trademark Election Soc. Security Environmental	Freedom of Information Act Immigration Labor OSHA Securities Tax		
5. <u>Other</u> Forfeiture/Penalty Real Property Treaty (specify): _____ Other (specify): _____	6. <u>General</u> Arbitration Attorney Disqualification Class Action Counsel Fees <input checked="" type="checkbox"/> Shareholder Derivative Transfer	7. Will appeal raise constitutional issue(s)? Yes <input checked="" type="checkbox"/> No Will appeal raise a matter of first impression? Yes <input checked="" type="checkbox"/> No	

1. Is any matter relative to this appeal still pending below? <input checked="" type="checkbox"/> Yes, specify: <u>see Addendum C</u> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:			
(A) Arises from substantially the same case or controversy as this appeal?		<input checked="" type="checkbox"/> Yes	No
(B) Involves an issue that is substantially similar or related to an issue in this appeal?		<input checked="" type="checkbox"/> Yes	No
If yes, state whether "A," or "B," or <input checked="" type="checkbox"/> both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name: In re Facebook, Inc. IPO Securities & Derivative Litigation	Docket No. 14-cv-487; 13-cv-2830; 13-cv-788	Citation:	Court or Agency: Second Circuit Court of Appeals
Name of Appellant: <u>see Addendum C</u>			

Date: 5/12/14	Signature of Counsel of Record: /s/ Joseph P. Guglielmo
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
3. Pay the \$505 docketing fee to the United States District Court or the \$500 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.